

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE AREF NADER,

Defendant.

Case No. 1:19-CR-201

**MOTION TO SEAL PORTIONS OF REPLY IN SUPPORT OF SECOND MOTION FOR
COMPASSIONATE RELEASE AND NON-CONFIDENTIAL MEMORANDUM IN
SUPPORT OF SAME**

Pursuant to Local Criminal Rules 49(A), (D), and (E) for the United States District Court for the Eastern District of Virginia, Defendant George A. Nader respectfully requests an Order sealing portions of Mr. Nader's Reply In Support of His Second Motion for Compassionate Release, as well as the non-confidential memorandum in support of sealing. In support of this motion, the Defendant further states:

I. Items to be Sealed and Necessity for Sealing (Local Rule 49(B)(1))

1. Mr. Nader seeks to file the Reply under seal because it contains references to confidential information discussed in the Confidential Memorandum in support of the Motion to Seal, filed by hand with the Clerk's Office pursuant to the Local Criminal Rules of the Eastern District of Virginia. Filing and maintaining these documents under seal is the appropriate remedy to protect these interests.

II. References to Governing Case Law (Local Rule 49(B)(2))

2. The Court has the inherent power to seal materials submitted to it when the public's right of access is outweighed by competing interests. *See In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984); Fed. R. Civ. P. 26(c)(1)(G) ("The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including . . . requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way. . . ."). Allowing Mr. Nader to file this motion under seal is an appropriate way to balance the various interests at stake.

3. Sealing the Motion is appropriate for additional, confidential reasons discussed in the Confidential Memorandum in support of the Motion to Seal, filed by hand with the Clerk's Office pursuant to the Local Criminal Rules of the Eastern District of Virginia.

III. Period of Time Defendant Seeks to Have the Matter Remain Under Seal (Local Rule 49(B)(3))

4. Mr. Nader seeks to have these materials sealed permanently.

For the foregoing reasons, Mr. Nader's Confidential Memorandum in Support of Motion to Seal Reply in Support of Second Motion for Compassionate Release and portions of the Reply in Support of Second Motion for Compassionate Release should remain under seal.

Dated: January 20, 2021

Respectfully submitted,

/s/

Jonathan S. Jeffress (#42884)
Emily Anne Voshell (#92997)
Courtney Roberts Forrest (#76738)
KaiserDillon PLLC
1099 14th Street, NW
8th Fl. West
Washington, DC 20005
Tel: (202) 640-4430

Fax: (202) 280-1034
jjeffress@kaiserdillon.com
evoshell@kaiserdillon.com
cforrest@kaiserdillon.com

John N. Nassikas III (#24077)
Arnold & Porter Kaye Scholer
LLP
601 Massachusetts Ave., NW
Washington, DC 20001
Tel: (202) 942-5000
Fax: (202) 942-5999
john.nassikas@arnoldporter.com
andrew.talbot@arnoldporter.com

*Attorneys for Defendant
George Aref Nader*

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to counsel of record.

/s/ Courtney R. Forrest
Courtney R. Forrest